UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

PAUL MCHONE)	
DALII MCHONE)	
v.)	
UNITED STATES OF AMERICA)	Case No. 1:14-cr-20-HSM-SKL

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the eight-count Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count One, that is of conspiracy to manufacture and distribute five (5) grams or more of methamphetamine (actual) or fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to manufacture and distribute five (5) grams or more of methamphetamine (actual) or fifty (50) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 88]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 88] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment

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is **GRANTED**;

(2) Defendant's plea of guilty to the lesser included offense of the charge in Count One,

that is of conspiracy to manufacture and distribute five (5) grams or more of

methamphetamine (actual) or fifty (50) grams or more of a mixture and substance

containing a detectable amount of methamphetamine, a Schedule II controlled

substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) is **ACCEPTED**;

(3) Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge

in Count One, that is of conspiracy to manufacture and distribute five (5) grams or

more of methamphetamine (actual) or fifty (50) grams or more of a mixture and

substance containing a detectable amount of methamphetamine, a Schedule II

controlled substance, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B).

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;

and

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is

scheduled to take place on Monday, November 10, 2014 at 9:00 a.m. [EASTERN]

before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.

UNITED STATES DISTRICT JUDGE